

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)  
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)  
U.S. Department of Interior  
Bureau of Land Management**

**PART I. – PROPOSED ACTION**

**BLM Office:** Ironwood Forest National Monument (IFNM) **NEPA No.:** DOI-BLM-AZ-G020-2014-0019-CX

**Case File No.:** AZA 36535

**Proposed Action Title/Type:** Silver Bell Mining GPS Tower Right-of-Way

**Applicant:** Silver Bell Mining, LLC

**Location of Proposed Action:** T. 12 S., R. 8 E., sec. 3, lot 15.

**Description of Proposed Action:** An unauthorized GPS facility was installed on public lands at least 20 years ago and the purpose of this action is to issue a right-of-way (ROW) authorization for the facility. The facility was installed by the then ASARCO mine, now operating as Silver Bell Mining LLC. The facility is located on top of Confidence Peak within the Ironwood Forest National Monument and adjacent to the existing Confidence Peak Communication Site. The facility will be authorized under a BLM ROW Grant for an area of 5' x 5' for the tower, and 65' linear feet by 5 feet for an underground coaxial cable for a total ROW width of 5' by 70'. The underground coaxial cable is buried 6" to 12" deep and is encased in a 3/4" PVC electrical conduit; the cable runs to and connects to the existing Tucson Electric communication building (BLM lessee) to obtain electrical power to their receiver. The tower base is 7" in diameter and extends 5'11" vertically from the ground with a Trimble Zephyr Geodetic 2 GNSS Antenna mounted on top of the base pipe. The antenna is 13.5" in diameter and 3" tall. This facility provides GPS service to the existing mining operation.

**Part II. – PLAN CONFORMANCE REVIEW**

**This proposed action is subject to the following land use plan(s):** Ironwood Forest National Monumnet Resource Management Plan

**Decisions and page nos.:** Lands and Realty: Rights of way, LR-007, page 76: All rights-of way for access and utilities, including for inholdings, will be considered and issued on a case-by-case consist with the protection of the Monument objects.

**Date plan approved/amended:** 2013

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

### PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

**A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 ; E-16 Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.;**

**And**

**B. Extraordinary Circumstances Review:** In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

### Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Susan Bernal, Realty Specialist	7/8/14
Amy Sobliech, Archaeologist	6/24/14
Darrell Tersey, Natural Resource Specialist	6/30/14
Amy Markstein, NEPA Planner	7/8/14

/s/ Amy Markstein  
PLANNING & ENVIRONMENTAL SPECIALIST

08/14/2014  
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

<b>Yes</b>	<b>No</b>  <b>x</b>	<b>Rationale:</b> The location existing GPS station due to its remoteness does not have or cause significant impact on public health or safety.  <div style="text-align: right;">Preparer's Initials <u>SB</u></div>
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(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.

<b>Yes</b>	<b>No</b>  <b>x</b>	<b>Rationale:</b> The existing GPS tower does not have significant impacts mentioned above due to its remote location and minimal land use.  <div style="text-align: right;">Preparer's Initials <u>DT</u></div>
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(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].

<b>Yes</b>	<b>No</b>  <b>x</b>	<b>Rationale:</b> The existing GPS tower does not have high controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources due to its remote location and minimal land use.  <div style="text-align: right;">Preparer's Initials <u>DT</u></div>
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(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

<b>Yes</b>	<b>No</b>  <b>x</b>	<b>Rationale:</b> The existing GPS tower does not have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks due to its operational land use and its remote location.  <div style="text-align: right;">Preparer's Initials <u>SB</u></div>
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(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No <b>x</b>	<b>Rationale:</b> The existing GPS tower does not establish a precedent for future action or represent a decision in principal about future actions with portentially significant environmental effects because its use is a minimal impact to the environment.  <div style="text-align: right;">Preparer's Initials <u>SB</u></div>
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <b>x</b>	<b>Rationale:</b> The existing GPS tower may a direct relationship to other actions with individually insignificant, but does not have cumulatively significant environmental effects.  <div style="text-align: right;">Preparer's Initials <u>SB</u></div>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <b>x</b>	<b>Rationale:</b> No properties have been listed, or are eligible for listing, on the National Register of Historic Places within the project area nor would any properties be affected by the proposed project. No sites have been identified on the property.  <div style="text-align: right;">Preparer's Initials <u>AS</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No <b>x</b>	<b>Rationale:</b> There would be no effects to any T&E species or designated critical habitat as none are found within the proposed action area. There is no suitable T&E species habitat within the project area.  <div style="text-align: right;">Preparer's Initials <u>DT</u></div>

(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <b>x</b>	<b>Rationale:</b> No Federal, State, local or tribal laws or requirements imposed for the protection of the environment would be violated. The existing site has been and still is in compliance to all laws for the protection of the environment.  <div style="text-align: right;">Preparer's Initials <u>AS</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No <b>x</b>	<b>Rationale:</b> This project does not have a disproportionately high and adverse effect on low income or minority populations. This project site is located on a remote mountain top and far away from effecting any low income or minority populations.  <div style="text-align: right;">Preparer's Initials <u>SB</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No <b>x</b>	<b>Rationale:</b> This project would not cause limitations to access sacred or any other sites because no sites have been identified on the subject property.  <div style="text-align: right;">Preparer's Initials <u>AS</u></div>
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No <b>x</b>	<b>Rationale:</b> There are none to minimal risks of the introduction or spread of noxious weeds or non-invasive species by the existing mining GPS base station operations because this is an existing site. Vehicles used to access to maintain and inspect the equipment are mining vehicles used on and are kept on the mine's existing roads or travel on offsite existing County and private roads which limits the possibility of seed transportation.  <div style="text-align: right;">Preparer's Initials <u>DT</u></div>

**PART V. –COMPLIANCE REVIEW CONCLUSION**

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

**MITIGATION MEASURES/OTHER REMARKS:** See attached stipulations.

/s/Viola Hillman, Field Office Manager      08/14/2014

APPROVING OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.